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| 09/311,128 | 05/13/1999 | JOOST KEMINK | PHA-23.501 | 9837 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SHRADER, LAWRENCE J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2124

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/311,128

Applicant(s)

KEMINK, JOOST

Examiner

Lawrence Shrader

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7; 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7; 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This action is in response to the amendment filed on April 7, 2004.
2. Claims 1, 3 – 7, 11 and 12 remain rejected; and claims 2, 8 – 10, and 13 – 17 remain cancelled.

Oath/Declaration

3. The declaration filed on 5/13/1999 is acknowledged. However, the Applicant must disclose information material to patentability under 37 C.F.R. 1.56, not a portion of 37 C.F.R. 1.56 (in this case 1.56a). See 37 C.F.R. 1.61, which states the declaration must “state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.” A new oath/declaration is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Slivka et al., U.S. Patent 6,256,668.

In regard to claim 11:

“a programmable user interface,” Slivka discloses a computer connected to the Internet, the computer being a programmable user interface to the Internet (e.g., Figure 6).

“a receiver that receives user interface code from an Internet site wherein the user interface code is received in dependence upon at least one of : a location parameter, a time parameter, and a user profile,” The computer receives user interface code (upgraded browser software) from the Internet, having time stamp information (a time parameter) associated with the software upgrade (column 11, line 59 – column 12, line 51; column 20, lines 30 – 47; column 22, lines 21 – 41)

“wherein a programming of the programmable user interface is facilitated by the user interface code.” The browser upgrade is facilitated by the interface code (the current network browser) of the programmable user interface to the Internet (column 12, lines 33 – 51).

In regard to claim 12, incorporating the rejection of claim 11:

“...further includes an Internet access device.” Slivka discloses access to a remote source via the Internet (e.g., see Figure 6; column 11, lines 59 – 67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, and 3 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Ee et al., U.S. Patent 6,208,341 (hereinafter referred to as van Ee) in view of Mitani., U.S. Patent 6,466,233.

van Ee discloses a control device with a graphics user interface:

In regard to claim 1:

“enabling a determination of at least one appliance...” van Ee discloses various appliances controllable by the device (column 2, lines 55 – 63; e.g., Figure 3).

“determining code for graphically representing a controllable feature...” The proper codes are determined to control the desired device as depicted on the GUI (column 2, lines 21 – 25; 61 – 67; e.g., Figure 3).

“communicating the code to the control device...” The proper codes are sent to control the desired device (column 2, lines 21 – 25; 61 – 67).

“wherein determining the code includes accessing an Internet site in dependence upon the determination of the at least one appliance.” van Ee discloses a control device that comprises a graphics user interface, but does not disclose accessing an Internet site upon determination of at least one device. However, Mitani discloses accessing an Internet site in order to upgrade a programmable user interface (column 4, lines 16 – 27). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the GUI functions of the van Ee device with the capability of the Mitani invention to access a remote upgrade programming source over the Internet, because configuration information could then be

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accessed from any site that has access to the Internet, thus increasing flexibility of use and providing a convenient means to easily maintain the most up to date information as taught by Mitani.

In regard to claim 3, incorporating the rejection of claim 1:

“...extracting a device control profile from a plurality of device control profiles.”

Control profiles (macros) are extracted from a plurality of profiles (column 2, lines 21 – 41).

In regard to claim 4, incorporating the rejection of claim 1:

“...extracting a device control profile in dependence upon at least one of: a location parameter, a time parameter, and a user profile.” A device control profile (macro) is extracted depending upon a selection from an appliance inventory (column 1, lines 42 – 45) with dependence on a delay parameter (column 3, lines 8 – 15 and lines 65 – 66).

In regard to claim 5, incorporating the rejection of claim 1:

“...communicating appliance control commands to the control device to facilitate the user control of the appliance.” van Ee discloses the ability to communicate appliance control commands (program the remote device macros) to facilitate the user-control of the appliance (column 2, lines 25 – 41; line 65 to column 3, line 15).

In regard to claim 6, incorporating the rejection of claim 1:

“...further including enabling an editing of the code.” van Ee discloses that the code can be edited (column 2, lines 21 – 25).

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In regard to claim 7, incorporating the rejection of claim 1:

"...providing a sequence of selection options that lead to the determination of the at least one appliance." Figure 3 shows the sequence of selection options that lead to the determination of at least one appliance.

Response to Arguments

8. The Applicant's arguments in regard to claims 1, 3 – 7, 11 and 12 are moot in view of the new grounds of rejection.

Conclusion

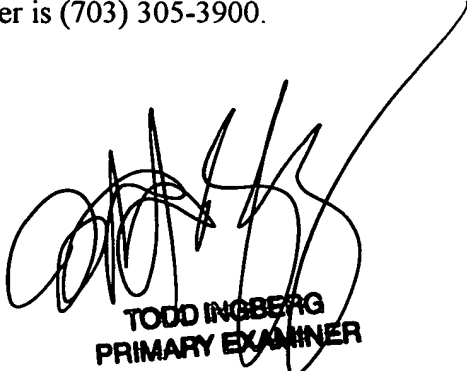
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046. The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader
Examiner
Art Unit 2124

April 30, 2004


TODD INGBERG
PRIMARY EXAMINER